

## **REMARKS**

This Amendment is being filed under 37 C.F.R. §1.114 governing Request for Continued Examination (RCE). This Response is being filed in response to the Office Action dated January 2, 2004.

Reconsideration of the various objections and rejections set forth in the Office Action mailed January 2, 2004 is respectfully requested in view of the foregoing Amendment and following Remarks. Claim 1 has been amended. Withdrawn claims 24-42 have been cancelled. Drawing 2-1-A and 6-C have been amended. Upon entry of the amendment, claims 1-23 are presented for reconsideration by the Examiner.

### **Amendment to the Drawings**

The drawings have been objected to under 37 CFR §1.83(a), wherein it has been asserted that the drawings do not show every feature of the invention specified in the claims. In particular, the Examiner has stated that features of Claim 1 have not been shown in the drawings.

Applicants herein enclose amended Figures 2-1-A and 6-C. The amendments to Figures 2-1-A and 6-C add no new matter and merely arrange the material previously present in the drawings in a clarifying manner and are consistent with respect to the Examiner's comments. In particular, Figures 2-1-A and 6-C clearly depict aspects of the present claimed invention including the

feature of representing each element of the set of discrete intra-market elements by a first geometric figure, which is overlaid with the geometric figure onto a bar.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1-23 have been rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,272,474 to Garcia, wherein it is asserted that Garcia teaches each of the claimed limitations. Applicants respectfully note the proper standard under 35 U.S.C. §102 for finding anticipation is that the prior art must disclose each and every limitation found in the claims, either expressly or inherently. Rockwell International Corp. v. United States, 147 F.3d 1358, 1363 (Fed. Cir. 1998); Electro Med System S.A. v. Cooper Life Sciences, 34 F.3d 1048, 1052 (Fed. Cir. 1994). Furthermore, the omission of any claimed element no matter how insubstantial is grounds for traversing a rejection based on Section 102. Connell v. Sears Roebuck & Co., 772 F.2d 1542 (Fed. Cir. 1983). A rejection under 35 U.S.C. §102 is improper since Garcia does not, at a minimum, disclose representing on a computer display device each element of said set of intra-market elements by a first geometric figure onto said bar.

Applicants respectfully direct the Examiner's attention to the Garcia reference. In particular, Garcia only displays bid/ask trade bars for a stock or each of the selected number of stocks in which the percentage of sales at bid prices and the percentage of sales at ask prices are depicted. Garcia simply does not display trade information at every price, including, intra-market

information such as the highest trading activities (the modal point). As such, a proper rejection under 35 U.S.C. cannot be made.

### **Claims 2-23 Are Not Anticipated**

The Examiner's assertion of anticipation by Garcia is improper since all of the claimed elements are not disclosed by Garcia. Applicants respectfully direct the Examiner's attention to the following illustrative listing of claims and elements not disclosed in Garcia:

**claim 8**, graphically representing on a computer display device a price interval with the highest trading activities by a dot; **claim 9**, said second geometric figure is a vertical line with a predefined width and color connecting the high and low of said price range; **claim 10**, graphically representing on a computer display device said continuous price range with substantially low trading activities on said bar by a third geometric figure; **claim 11**, said third geometric figure is a vertical line with predetermined width and color connecting the high and low price of said price range; **claim 12**, graphically representing on a computer display device at least one continuous price range with substantially high trading activities by a fourth geometric figure and overlaying said fourth geometric figure onto said bar, said fourth geometric figure being a rectangle with a predetermined width and length, said rectangle has vertices with Y-coordinates; **claim 13**, said rectangle is hollow if a close price is higher than an open price indicated by said bar, and is filled if the close price is lower than the open price of said bar; **claim 14**, said price-time chart is a Japanese Candlestick Chart and said rectangle has an

identical width with a body of said bar, said rectangle contains a pattern to distinguish it from the body of said bar; claim 15, said pattern is a slanted stripe pattern; and claim 20, graphically representing on a computer display device each intra-market element of said set of intra-market elements by a fifth geometric figure and overlaying said fifth geometric figure onto the bar. As such a proper rejection of these claims have not been made.

### **Claims 1-23 Are Non-Obvious Under a Proper 35 U.S.C. §103 Analysis**

The claims 1-23 are additionally non-obvious with regard to Garcia since there is at the minimum no suggestion or motivation present in the teaching or disclosure of Garcia, or within the knowledge of one of ordinary skill in the art as evidenced by, at least, the references cited in the Office Action, to do what the Applicants have done in the claimed invention. For example, at a minimum Garcia does not teach or suggest representing on a computer display device each element of said set of intra-market elements by a first geometric figure onto said bar. In addition, Garcia does not teach or suggest the elements listed above with regard to claims 8-15 and 20. Applicants note that as thoroughly discussed in a recent court holding:

“...the essential factual evidence on the issue of obviousness is set forth in Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966) and extensive ensuing precedent. The patent examination process centers on prior art and the analysis thereof. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of



obviousness. See, e.g., McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the Graham factors)." In re Lee, 61 USPQ2d, 1430 (Fed. Cir. 2002)

Such a rigorous examination required by law clearly would find the claimed invention non-obvious based on at least a study of the problem to be solved by the Applicants, and the functionality of the claimed invention.

In summary, Applicants have addressed each of the objections and rejections within the present Office Action. It is believed the application now stands in condition for allowance and prompt favorable action thereon is earnestly solicited.

Respectfully Submitted,

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